

TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, February 25, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectwoman Karyn Puleo, Selectman Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. 6:05 PM New Business

A. Liquor License Transfer Request – Café Il Cipresso, 130 Middlesex Road

The Board received a request for a license transfer for Café Il Cipresso located at 130 Middlesex Road. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to open the hearing. Selectman Reault read the legal notice that appeared in the local publication on February 11, 2013. All of the proper paperwork was submitted and Mr. O'Neill presented his petition. Mr. and Mrs. O'Neill want to purchase the business and continue operating the restaurant as it has been, there will no lapse in service. The previous owners will be working at the restaurant. Mr. O'Neill will be the manager and has all of his certification; he has been in the restaurant business for some 20 years. Hearing no further discussion the Chairman entertained a motion to close the hearing. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to close the hearing. The Board voted 5-0-0 on a motion by Selectman Reault to approve the transfer of the liquor license from Delpero Enterprises, Inc. DBA Café Il Cipresso to Bistro Acquisition Corp., DBA Café Il Cipresso and to change the Manager of Record from Charlene Rogers to Shane O'Neill. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the Common Victualler License and the Weekday Entertainment License to Bistro Acquisition Corp. as requested.

B. Liquor License Manager Change Request – Olive Garden Restaurant, 422 Middlesex Road.

The Board received a request from GMRI, Inc. DBA The Olive Garden Italian Restaurant for a change in manager. The Board reviewed the application all is in order. Mr. Blasé was present to answer any questions the Board may have. Mr. Blasé has been a manger for some time and has all of the certification necessary. The Chairman hearing no further discussions entertained a motion from the Board. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the transfer of Manger at The Olive Garden Italian Restaurant from Matthew Ducharme to Steven Blasé as presented.

C. Parlee Farms – Easement Request

Attorney Nicosia is representing Mr. Parlee of Parlee Farms on Farwell Road. Mr. Parlee owns a piece of property that is land locked by two Town own parcels. Mr. Parlee is looking for an easement of license to pass and repass over the Town own land to access his agricultural field. Mr. Parlee did farm one of the parcels for the past few years. The lease for the farming of the land knows as the Norton property has ended and Mr. Parlee finds that he will need an easement and/or license to access his field. The Board after discussions voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to grant a license for 1 year to Mr. Mark Parlee for the right to pass and repass over Town own land to access his property with lawful vehicles used for agriculture and to pay any nominal fees associated with the execution of the license.

D. Resident Request – Willowdale Road Land

Attorney Nicosia is before the Board to present his clients Mr. and Mrs. Guilbeault who are inquiring into the possibility of purchasing the adjacent lot from the Town. Purchasing this lot would increase the size of their existing lot. The Board voted on a motion by Selectwoman Puleo, second by Selectman Reault to support the Board of Selectmen researching Lot 13 for potential sale at the upcoming Spring Town Meeting and to return to Town Counsel for review the sale of parcel 13 with the restriction that it is to be part of the adjacent lots and to send a letter to the Sewer Department asking if there is an interest. Identification on the Assessor's plan is Map 33, Parcel 10A, Lot 0.

E. Farmers' Market – Approve Location on Town Property and Schedule Special Permit Hearing.

Ms. Babcock is in attendance this evening to request permission from the Board to use 252 Middlesex Road to host the Tyngsborough Farmers' Market and to allow the vendors to use the facility located in the Littlefield Library Building. There was some discussion on the use of the building to be restricted to only the vendors, to specify parking for the T-Ball players. Ms. Babcock offers to pay any fees for the use of the utilities. Selectman Lambert though in support of the farmers' market at 252 Middlesex Road does not support the use of the Littlefield Library Building. The Board supporting the farmers' market voted 5-0-0 on a motion by Selectman Reault, second Selectman Lambert to allow the Tyngsborough Farms' Market to use the location of 252 Middlesex Road and sets the date for the Special Permit for Monday March 25 and to ask the Historical Commission to be in attendance. Selectwoman Puleo left the room.

F. Highway Clerk – Appointment

There being a recent vacancy in the Highway Department, the Clerk position. The vacant position was advertised, applicants were screened and interviewed and this evening the Board is asked to appoint the candidate that is best qualified for the position. The Administrator recommends the appointment of Ms Susan Sylvia for the position. The Board vote 4-0-1 to appoint Ms. Susan Sylvia to the position of Clerk at the Highway Department for 25 hours a week at \$14.32 per hour effective Thursday February 28, 2013.

3. Meeting Minutes to Approve

A. Monday January 14, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Minutes of Monday January 14, 2013.

B. Monday February 11, 2013

The Board deferred approval to Monday March 11, 2013

C. Executive Session Minutes to approve but not Release

1. Monday January 14, 2013

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve but not release the Minutes of Monday January 14, 2013. Selectman Curseaden abstained.

2. Monday January 28, 2013

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve but not release the Minutes of Monday January 28, 2013. Selectman Curseaden abstained.

3. Monday February 11, 2013

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve but not release the Minutes of Monday February 11, 2013. Selectman Curseaden abstained. Selectwoman Puleo returned to the meeting.

4. Citizen/Business Time – No one came forward.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

5. Old Business

A. Adams Barn – Discussion

Mr. Allgrove and Mr. Denommee updated the Board on the Engineers report on keeping the use of the barn as just an empty building. The contractor's estimate to jack the building up has a per month cost, the contractor has done the closing of the building on the street side and the contractor has found the roof is in need of repairs or to be replaced. There is a need for a second contractor to review the report and to verify the cost of \$150,000. The available funds are \$82,000. Will need to go to Town Meeting for additional funds and then must go to bid. To facilitate will talk with the engineers and have a contractor give the information for a bid, then go to the CPC, BoS and then to Town Meeting for approval.

B. Recreation Center Billboard – Status Update

The Administrator informed the Board of the change in the meeting date it has been changed to March 7, 2013.

C. GLTHS School Committee composition – Status Update

The Administrator sent correspondence and will call this week to follow up.

D. First Parish Church – Status Update

The Chairman met with Mr. McDonald, the owner of the First Parish Church to discuss the renovation/repairs to the building. Mr. McDonald is agreeable to selling the building to the Town. Will have Mr. Trearchis, Bldg. Manager, to look at the building to see what issues the building may have. The Board is pleased with the communication between the Board and Mr. McDonald.

E. FY 2014 Budget Reviews and Discussion - Differed

6. Citizen/Business Time

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Mr. Chris Mellen came forward to mention a couple of items, he asked about a generator for the town offices, the lights on the Bridge when will they be replacing the lights, wanting to know about the Frost Road park's future maintenance, and would like to see more info on the cable channels.

7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

A. Action

1. Highway Department – Snow and Ice – Additional Funds Request

The Board received a request for the Senior Forman of the Highway Department for additional funds to be placed in the Snow and Ice Removal Account.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo the additional funds in accordance with Chapter 44, section 31D, Massachusetts General Laws we the Board of Selectmen, and we the Finance Committee, do hereby authorize the Town Accountant to issue warrants and the Town Treasurer to pay such warrants in excess of funds for snow and ice

removal, such warrants not to exceed \$150,000.00. Expenditures made under this authority shall be certified to the Board of Assessors and included in the next annual tax rate.

2. Board of Health – Cardboard Dumpster Relocation

The Board received a request to replace the cardboard dumpsters at the Norris Road School Complex and at the Highway Garage. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to authorize the Recycling Committee to place cardboard dumpsters at the Norris School Complex and at the Highway Garage.

B. Informational

The Board received request for comments on two ZBA hearing notices. The Board issued no comments. The Board received a request from the Police Chief to appoint R Scott Reidy as a Special Police Officer. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to appoint R. Scott Reidy as a Special Police Officer, Officer Reidy is to work with the TPD fire arms Officer. The Girl Scout troop has asked for permission to do work at the Recreation Center. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to allow the Girl Scout troop to indoor painting at the lower level of the Recreation Building. The Board received a request for a manager change at a local establishment. The Board scheduled the hearing for Monday March 11, 2013.

Selectman Reault read the remaining correspondence. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to accept the correspondence as read.

8. Review of Weekly Warrants

The Administrator read the following warrants into the record. Warrant #34B for \$177,276.10 on 2/19/2013; Warrant #35B for \$1,046,870.47 on 2/25/2013; and Warrant #35P for \$805,748.74.

9. Town Administrator's Reports

- Response to Selectmen's Requests

A copy of a letter sent to Town Counsel concerning street acceptance and the final notice of the Annual and Special Town Meetings.

- Budget

A copy of the FY 20123 audit engagement letter, note that this will be the first year of departmental procedure audits, beginning with the Recreation Department and Council on Aging.

- Departmental Information

Copies of 1) further response to Mass DEP concerning the Highway gas tanks; 2) MEMA inquire relative to efforts to determine eligibility for federal disaster assistance, we are complying with the request; find notices of upcoming benefits fair dates, as coordinated by the Town Treasurer; and the Fire Chief and I met with Trinity Ambulance, it appears that there may need to be changes to the language for both our ALS and BLS contracts so that they better interface with each other.

Additionally Trinity is modifying their radio monitoring protocol to receive real-time information from the Fire Department (in addition to ongoing telephone call dispatching).

- Contracting/Procurement

The Old Town Hall revised agreement and Notice of Award/Notice to Proceed.

- Other

Attached is a copy of the appointment letter for George Dupras to the position of Old Town Hall Clerk of the Works; a copy of the Administrator's response to a Lowell Sun records Inquiry; and a copy of the recent "Exit 36" presentation Selectman Lambert the Administrator attended in Nashua.

Anticipated Weekly Meetings

Conservation: Tuesday Evening; School Committee: Tuesday Evening; Finance Committee: Thursday Evening; Sewer Commission: Thursday Evening; March 6th: CPC hosts a visit from the Executive Director of the statewide CPC organization, to be attended by other communities, beginning at 7:00 PM.

The Administrator informed the Board of the generator packaging a request to the State there is a small upfront cost for the report of up to \$4,000.00. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to fund the upfront cost for the generator report up to \$4,000.00. The Administrator informed the Board of the affordable unit that is coming off the rolls, when the final paperwork is assembled will need to execute an indemnification and accept the Town pay off of \$25,000. The Town will not seek additional reimbursement. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to execute the indemnification and not to seek additional reimbursement and to authorize the Town Administrator to sign the document.

10. Selectmen's Reports

Selectman Lambert read the new correspondence from the COA asking the Board to schedule the Meeting with the COA Members on March 25, 2013. The Board voted 5-0-0 on a motion by Selectmen Reault, second by Selectwoman Puleo to add the COA letter to correspondence. Selectman Curseaden would like to add the CodeRed register on the next meeting to discuss. Selectwoman Puleo informed the Board of the upcoming Capital Asset Management Committee meeting, mentioned the School Budget; the Medical Marijuana to discuss on March 11, 2013 and also the pole tax has cleared the Courts would like to see the written report. Selectman Jackson is looking for a date when to discuss the reduced tax assessment for businesses, and Selectman Reault mentioned the new Assessment from NMCOG has increased by \$75.00 and also reminded everyone of the major fund raiser for Jack Trotter.

11. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss for the following :

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Mid-Managers Union and Clerical Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

and to exit Executive Session and to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Corliss Lambert, yes, Selectman Allen Curseaden, yes.

The Board entered into Executive Session at 9:15 PM.

12. Adjournment

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to adjourn the meeting. The Board exited the Executive Session and adjourned the meeting at 9:50 P.M.

Respectfully submitted

Approved on Monday March 11, 2013

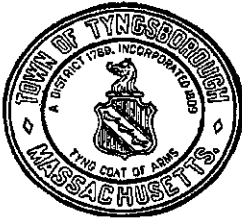
Therese Gay
Admin Assistant

Board of Selectmen Correspondence - February 25, 2013 - ACTION ITEMS

[illegible]

Board of Selectmen Correspondence - February 25, 2013 - INFORMATION

Date	Author	Subject	In Packet?
2/21/2013	Town Administrator	Annual/Special Town Meeting Schedule	2/22/2013
2/21/2013	Town Administrator	Appreciation Letter to Highway from a Resident	2/22/2013
2/20/2013	CPC	Meeting Info	2/22/2013
2/21/2013	Lowell City Manager	Meeting Info	2/22/2013
2/19/2013	Attorney Ray Lyons	Easement Info	2/22/2013
2/19/2013	Town Clerk	Recording Info	2/22/2013
2/14/2013	MIA	Insurance Claim Payment	2/22/2013
2/13/2013	Tyngsborough Police Dept.	Press Releases	2/22/2013
2/13/2013	Asst. Town Administrator	Non-Compliance Info	2/22/2013
2/13/2013	Admin Assistant BOH	Letter	2/22/2013
2/12/2013	State Auditor	Letter	2/22/2013
2/11/2013	MMA	Meeting Schedule	2/22/2013
2/14/2013	Comcast	Payment	2/22/2013
2/21/2013	COA	Newsletter	2/22/2013
1/28/2013	University of Mass Amherst	Information	2/22/2013
1/30/2013	Comcast	Complaint Information	2/22/2013
1/30/2013	Tewksbury Treatment Center	Information	2/22/2013
1/30/2013	MBTA	Meeting Info	2/22/2013
2/13/2013	CBA	Information	2/22/2013
2/20/2013	Retiree healthcare	Info the Booklet is in the office for review	2/22/2013
2/13/2013	Mass Development	2012 Annual Report Booklet in the office	2/22/2013
2/19/2013	NMCOG	Mass Shared Service Manual Info in Office	2/22/2013
2/19/2013	CTI	Information	2/22/2013
2/19/2013	Greater Lowell Chamber of Commerce	Meeting Info	2/22/2013
2/19/2013	Northeast Behavioral Health	Open House Postponed	2/22/2013
2/14/2013	Greater Lowell Technical High School	Summer Work Program	2/22/2013
2/15/2013	Resident	Thank you to Paul & Donna for being courteous/f	2/22/2013
2/19/2013	Town Counsel	Evergreen Estates	2/22/2013
2/19/2013	Town Counsel	Solid Waste Trash Pickup	2/22/2013
2/25/2013	Mass DOT and Town of Attleboro	Snow removal policy	



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2. 6:05 PM New Business

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- B. Liquor License Manager Change Request – Olive Garden Restaurant, 422 Middlesex Road
- C. Parlee Farms – Easement Request
- D. Resident Request – Willowdale Road land
- E. Farmers' Market – Approve Location on Town Property and Schedule Special Permit Hearing
- F. Highway Clerk – Appointment

3. Meeting Minutes to Approve

- A. Monday January 14, 2013
- B. Monday February 11, 2013
- C. Executive Session Minutes to approve but not Release
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 - 2. Monday January 28, 2013
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- A. Adams Barn - Discussion
- B. Recreation Center Billboard – Status Update
- C. GLTHS School Committee composition – Status Update
- D. First Parish Church – Status Update
- E. FY 2014 Budget Reviews and Discussion

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A. Action

1. Highway Department – Snow and Ice – Additional Funds Request
2. Board of Health – Cardboard Dumpster Relocation

B. Informational

8. Review of Weekly Warrants

9. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

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12. Adjournment

Future Meetings

Monday, March 11, 2013 at 6:00 PM at the Town Offices

Monday, March 25, 2013 at 6:00 PM at the Town Offices